



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

26356 7590 04/06/2006

ALCON RESEARCH, LTD.  
R&D COUNSEL, Q-148  
6201 SOUTH FREEWAY  
FORT WORTH, TX 76134-2099



EXAMINER

FAY, ZOHREH A

ART UNIT

PAPER NUMBER

1618

DATE MAILED: 04/06/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,061	03/24/2004	Peter G. Klimko	2149A	4186

TITLE OF INVENTION: USE OF PROTEASOME INHIBITORS TO TREAT DRY EYE DISORDERS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	07/06/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** (571)-273-2885



**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26356 7590 04/06/2006

ALCON RESEARCH, LTD.  
R&D COUNSEL, Q-148  
6201 SOUTH FREEWAY  
FORT WORTH, TX 76134-2099

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,061	03/24/2004	Peter G. Klimko	2149A	4186

TITLE OF INVENTION: USE OF PROTEASOME INHIBITORS TO TREAT DRY EYE DISORDERS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	07/06/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
FAY, ZOHREH A	1618	514-252100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.  
1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

## 4a. The following fee(s) are enclosed:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

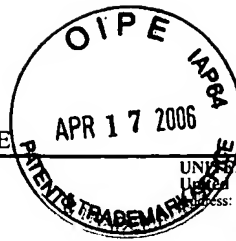
Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,061	03/24/2004	Peter G. Klimko	2149A	4186
26356	7590	04/06/2006	EXAMINER	
ALCON RESEARCH, LTD. R&D COUNSEL, Q-148 6201 SOUTH FREEWAY FORT WORTH, TX 76134-2099			FAY, ZOHREH A	
			ART UNIT	PAPER NUMBER
			1618	
DATE MAILED: 04/06/2006				

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 108 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 108 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/808,061

Examiner

Zohreh A. Fay

Applicant(s)

KLIMKO ET AL.

Art Unit

1618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments and remarks filed on January 9, 2006.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Zohreh A. Fay*  
ZOHREH FAY  
PATENT EXAMINER  
GROUP 1600

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patrick Ryan on March 30, 2006.

The application has been amended as follows:

In claim 1, line 2 the phrase "in need thereof" has been added after "mammal".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zohreh A. Fay whose telephone number is (571) 272-0573. The examiner can normally be reached on Monday to Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

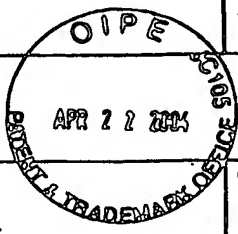
Art Unit: 1618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Z.F

SEARCHED  
INDEXED  
EXAMINED  
GROUP 1600  
*Zahid Fay*

Form PTO-1449 U.S. Dept. of Commerce  Patent & Trademark Office  <b>LIST OF DOCUMENTS CITED BY APPLICANT</b>  (Use several sheets if necessary)		ATTY. DOCKET NO. 2149A  APPLICANT Klimko et al.  FILING DATE March 24, 2004		SERIAL NO. 10/808,061  GROUP NYA		Confirmation No.	
---	--	--	--	--	--	------------------	--



U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
Z.F	AA	3,991,759	11/16/76	Urquhart	128	260	
	AB	4,131,651	12/26/78	Shah et al.	424	78	
	AC	4,370,325	01/25/83	Packman	424	245	
	AD	4,409,205	10/11/83	Shively	424	78	
	AE	4,744,980	05/17/88	Holly	424	78	
	AF	4,804,539	02/14/89	Guo et al.	424	450	
	AG	4,818,537	04/04/89	Guo	424	427	
	AH	4,883,658	11/28/89	Holly	424	80	
	AI	4,914,088	04/03/90	Glonek et al.	514	76	
	AJ	4,966,773	10/30/90	Gressel et al.	424	489	
Z.F	AK	5,041,434	08/20/91	Lubkin	514	182	

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
Z.F	AL	JP10036289	02/10/98	Japan (abstract only)			
	AM	WO 95/31211	11/23/95	PCT			
	AN	WO 96/32105	10/17/96	PCT			
	AO	WO 98/35691	08/20/98	PCT			
Z.F	AP	WO 99/15183	04/01/99	PCT			

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
Z.F	AR	Adams, "Proteasome Inhibitors as Therapeutic Agents" Expert Opinion in Therapeutic Patients, Vol. 13(1), pp. 45-57 (2003)
Z.F	AS	Brignole et al., "Flow cytometric analysis of inflammatory markers in conjunctival epithelial cells of patients with dry eyes," Database Medline 'Online' May 2000 (2000-05); Database accession no. NLM10798650 XP002215304 abstract & <i>Investigative Ophthalmology &amp; Visual Science</i> . United States, May 2000, vol. 41(6) pages 1356-1363
Z.F	AT	Corey et al., "Total Synthesis and Biological Activity of Lactacystin, Omuralide and Analogs, <i>Chem. Pharm. Bull.</i> , Vol. 47, pp. 1-10 (1999)

EXAMINER

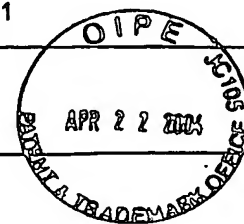
Zohut Fay

DATE CONSIDERED

3/30/06

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 U.S. Dept. of Commerce Patent & Trademark Office <b>LIST OF DOCUMENTS CITED BY APPLICANT</b> (Use several sheets if necessary)	ATTY. DOCKET NO. 2149A	SERIAL NO. 10/808,061	Confirmation No.
	APPLICANT Klimko et al.		
	FILING DATE March 24, 2004	GROUP	



## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
Z.F.	BA	5,075,104	12/24/91	Gressel et al.	424	78.04	
	BB	5,174,988	12/29/92	Mautone et al.	424	45	
	BC	5,278,151	01/11/94	Korb et al.	514	76	
	BD	5,290,572	03/01/94	MacKeen	424	602	
	BE	5,294,607	03/15/94	Glonek et al.	514	76	
	BF	5,371,108	12/06/94	Korb et al.	514	762	
	BG	5,403,841	04/04/95	Lang et al.	514	226.8	
	BH	5,578,586	11/26/96	Glonek et al.	514	76	
	BI	5,620,921	04/15/97	Sullivan	514	178	
	BJ	5,677,335	10/14/97	Robertson et al.	514	521	
Z.F.	BK	5,696,166	12/09/97	Yanni et al.	514	573	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
Z.F.	BL	WO 99/22729	05/14/99	PCT				
	BM	WO 00/03705	01/27/00	PCT				X
	BN	WO 00/43000	07/27/00	PCT				
	BO	WO 00/61168	10/19/00	PCT				
Z.F.	BP	WO 00/64863	11/02/00	PCT				


## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

Z.F.	BR	Dou, et al., "Pharmacological proteasome inhibitors and their therapeutic potential," <i>Exp. Opin. Ther. Patents</i> , Vol. 10(8); pp. 1263-1272 (2000)
Z.F.	BS	Dou, et al., "Proteasome inhibitors as potential novel anticancer agents," <i>Drug Resistance Updates</i> , Vol. 2, pp. 215-223 (1999)
Z.F.	BT	Elliott et al., "Proteasome inhibition: A novel mechanism to combat asthma," <i>J. Of Allergy and Clinical Immunology</i> , Vol. 104(2); pp. 294-300 August 1999

EXAMINER <i>Zohuf Foy</i>	DATE CONSIDERED 3/30/06
------------------------------	----------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



Form PTO-1449 U.S. Dept. of Commerce  Patent & Trademark Office  <b>LIST OF DOCUMENTS CITED BY APPLICANT</b>  (Use several sheets if necessary)		<b>ATTY. DOCKET NO.</b> 2149A		<b>SERIAL NO.</b> 10/808,061		<b>Confirmation No.</b> <div style="text-align: center;">  </div>	
		<b>APPLICANT</b> Klimko et al.					
		<b>FILING DATE</b> March 24, 2004		<b>GROUP</b>			

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
2-F	CA	5,800,807	09/01/98	Hu et al.	424	78.04	
2-F	CB	5,958,912	09/28/99	Sullivan	514	177	
2-F	CC	6,071,904	06/06/00	Ali et al.	514	222.8	
2-F	CD	6,083,903	07/04/00	Adams et al.	514	2	
2-F	CE	6,096,733	08/01/00	Lubkin	514	182	
2-F	CF	6,107,289	08/22/00	Sullivan	514	178	
2-F	CG	6,153,607	11/28/00	Pflugfelder et al.	514	178	
	CH						
	CI						
	CJ						
	CK						

FOREIGN PATENT DOCUMENTS							
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
					YES	NO	
CL							
CM							
CN							
CO							
CP							


  

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
2-F	CR	Groettrup et al., "Selective proteasome inhibitors: modulators of antigen presentation?," <i>DDT</i> , Vol. 4(2), pp. 63-71 (1999)
2-F	CS	Iqbal, et al., "Proteasome inhibitors," <i>High Throughput Screening for Novel Anti-Inflammatories</i> , edited by M. Kahn, pp. 19-34 (2000)
2-F	CT	Kisselev, et al., "Proteasome inhibitors: from research tools to drug candidates," <i>Chemistry &amp; Biology</i> , Vol. 8, pp. 739-758 (2001)

<b>EXAMINER</b> zahuf Fay	<b>DATE CONSIDERED</b> 3/30/06
------------------------------	-----------------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 U.S. Dept. of Commerce  Patent & Trademark Office  <b>LIST OF DOCUMENTS CITED BY APPLICANT</b>  (Use several sheets if necessary)		ATTY. DOCKET NO. 2149A	SERIAL NO. 10/808,061	Confirmation No.	
		APPLICANT  Klimko et al.			
		FILING DATE  March 24, 2004		GROUP	



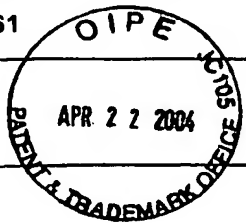
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	DA						
	DB						
	DC						
	DD						
	DE						
	DF						
	DG						
	DH						
	DI						
	DJ						
	DK						

FOREIGN PATENT DOCUMENTS							
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
					YES	NO	
DL							
DM							
DN							
DO							
DP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
2-F	DR	Lee, et al., "Proteasome Inhibitors: valuable new tools for cell biologists," <i>Cell Biology</i> , Vol. 8, p. 397-403 (1998)
2-F	DS	Lemp et al., "Evaluation and differential diagnosis of keratoconjunctivitis sicca," Database Medline 'Online' December 2000 (2000-12); Database accession no. NLM11128698 XP002215303 abstract & <i>The Journal of Rheumatology, Supplement. Canada Dec, 2000 (2000-12), pages 11-14</i>
2-F	DT	Lemp, "Report of the National Eye Institute/Industry Workshop on Clinical Trials in Dry Eyes," <i>CLAO Journal</i> , Vol. 21(4), pp. 221-231 (1995)

EXAMINER		DATE CONSIDERED	3/30/06
----------	---	-----------------	---------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 U.S. Dept. of Commerce  Patent & Trademark Office  <b>LIST OF DOCUMENTS CITED BY APPLICANT</b>  (Use several sheets if necessary)		ATTY. DOCKET NO. 2149A	SERIAL NO. 10/808,061	Confirmation No.  <div style="text-align: center;">  </div>			
		APPLICANT Klimko et al.					
		FILING DATE March 24, 2004	GROUP				

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	EA						
	EB						
	EC						
	ED						
	EE						
	EF						
	EG						
	EH						
	EI						
	EJ						
	EK						


FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	EL							
	EM							
	EN							
	EO							
	EP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
2.F	ER	McCulley et al., "Tear Film Structure and Dry Eye," <i>Contactologia</i> Vol. 20, pp. 145-149 (1998)
2.F	ES	Marsh et al., "Topical Nonpreserved Methylprednisolone Therapy for Keratoconjunctivitis Sicca in Sjogren Syndrome," <i>Ophthalmology</i> , Vol. 106(4), pp. 811-816 (1999)
2.F	ET	Myung, et al., "The Ubiquitin-Proteasome Pathway and Proteasome Inhibitors," <i>Medicinal Research Reviews</i> , Vol. 21(4), pp. 245-273 (2001)

EXAMINER <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Zabur Fay</div>	DATE CONSIDERED <div style="text-align: center; font-family: cursive; font-size: 1.2em;">3/30/06</div>
--	---

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 U.S. Dept. of Commerce Patent & Trademark Office <b>LIST OF DOCUMENTS CITED BY APPLICANT</b>  (Use several sheets if necessary)		ATTY. DOCKET NO. 2149A	SERIAL NO. 10/808,061	Confirmation No.  <div style="text-align: center;">  </div>	
		APPLICANT Klimko et al.			
		FILING DATE March 24, 2004	GROUP		

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	FA	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	FA						
	FB						
	FC						
	FD						
	FE						
	FF						
	FG						
	FH						
	FI						
	FJ						
	FK						


FOREIGN PATENT DOCUMENTS							
	FL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
	FL						YES NO
	FM						
	FN						
	FO						
	FP						

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
2f	FR	Shine et al., "Keratoconjunctivitis Sicca Associated with Meibomian Secretion Polar Lipid Abnormality," <i>Arch. Ophthalmol.</i> Vol. 116, pp. 849-852 (1998)
2f	FS	Soucy et al., "A Novel and Efficient Synthesis of a Highly Active Analogue of clasto-Lactacystin $\beta$ -Lactone," <i>J. Am. Chem. Soc.</i> Vol. 121, pp. 9967-9976 (1999)
2f	FT	Tauber et al., "Lacrimal Gland, Tear Film and Dry Eye Syndromes," <i>J. Adv. Exp. Med. Biology</i> , Vol. 438, pp. (1998)

EXAMINER		DATE CONSIDERED	3/30/06
----------	---	-----------------	---------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 U.S. Dept. of Commerce  Patent & Trademark Office  <b>LIST OF DOCUMENTS CITED BY APPLICANT</b>  (Use several sheets if necessary)		<b>ATTY. DOCKET NO.</b> 2149A	<b>SERIAL NO.</b> 10/808,061	<b>Confirmation No.</b>  <div style="text-align: center;">  </div>			
		<b>APPLICANT</b> Klimko et al.					
		<b>FILING DATE</b> March 24, 2004	<b>GROUP</b>				

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	GA						
	GB						
	GC						
	GD						
	GE						
	GF						
	GG						
	GH						
	GI						
	GJ						
	GK						

FOREIGN PATENT DOCUMENTS							
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
					YES	NO	
GL							
GM							
GN							
GO							
GP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
2F	GR	Wang et al., "Suppression of NK-kappaB-dependent proinflammatory gene expression in human RPE cells by a proteasome inhibitor," <i>Investigative Ophthalmology &amp; Visual Science</i> , Vol. 40(2), pp. 477-486 (1999)
	GS	
	GT	

<b>EXAMINER</b> 	<b>DATE CONSIDERED</b> 3/30/06
--	-----------------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/808,061	KLIMKO ET AL.	
	Examiner	Art Unit	
	Zohreh A. Fay	1618	

All participants (applicant, applicant's representative, PTO personnel):

(1) Zohreh Fay. (3) \_\_\_\_\_

(2) Patrick Ryan. (4) \_\_\_\_\_

Date of Interview: 30 March 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant authorized the amendments set forth in the Examiner's amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

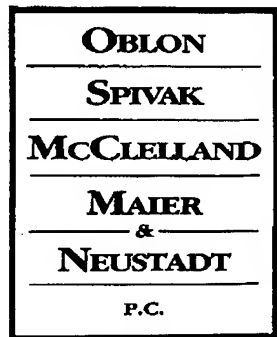
### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

PATENT MAINTENANCE  
DIVISION

2006 APR -5 PM 2:55

US PATENT & TRADEMARK OFFICE April 3, 2006



ATTORNEYS AT LAW

KATHLEEN A. MORSBERGER  
CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

UNITED STATES PATENT AND TRADEMARK OFFICE  
2051 Jamieson Avenue  
Suite 300  
Alexandria, VA

Attn: Frank Lebron  
Refund Department

Re: Deposit Account #150030

Dear Mr. Lebron:

Enclosed is a copy of a portion of our deposit account statement of December, 2005. See the highlighted charge on **serial number 10/900,095 in the amount of \$400.00 on fee code #1201.**

On December 7, 2005, an amendment containing two additional independent claims was filed in this application. **A credit card payment form for American Express in the amount of \$600.00 was included in that filing to pay for 3 extra independent claims (note the amendment only contained 2 extra independent claims). Therefore, there should not be any additional charges on our deposit account for this application AND we are also due a refund of \$200.00 for overpayment of claim fees.**

Please review this application and kindly refund \$600.00 to deposit account #150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Debbie Noel at (703) 412-6296. Thank you for your assistance in this matter.

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Debra J. Noel  
Accounting Department.

Enclosures





**United States  
Patent and  
Trademark Office**

Return To:  
USPTO  
Home  
Page  
Finance  
Online  
Shopping  
Page

**Deposit Account Statement**

Requested Statement Month: December 2005  
 Deposit Account Number: 150030  
 Name: NORMAN F. OBLON  
 Attention:  
 Address: 1940 DUKE STREET  
 City: ALEXANDRIA  
 State: VA  
 Zip: 22314  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/01	4	10793982	M220-1010-1 256943	1202	\$150.00	\$37,679.71
12/01	10	10539057	272911US0PCT	1615	\$100.00	\$37,579.71
12/01	12	10673375	243476US6 YA	1201	-\$200.00	\$37,779.71
12/01	13	10673375	243476US6 YA	1202	-\$250.00	\$38,029.71
12/01	14	10948288	259545US0	1806	-\$180.00	\$38,209.71
12/01	15	09969765	214725	2202	-\$25.00	\$38,234.71
12/01	16	10062458	219181US0	1806	-\$180.00	\$38,414.71
12/01	39	10440098	237218US-2	1806	-\$180.00	\$38,594.71
12/01	40	10440098	237218US-2	1806	-\$180.00	\$38,774.71
12/02	1	10645804	241833	1806	\$180.00	\$38,594.71
12/02	1	60606789	PF55833	8007	\$20.00	\$38,574.71
12/02	2	60606789	PF55833	8023	\$120.00	\$38,454.71
12/02	7	10222774	227296US0CON	1202	-\$18.00	\$38,472.71
12/02	10	10292505	230451US2	1806	-\$180.00	\$38,652.71
12/02	11	10838243	252627US41	1252	-\$330.00	\$38,982.71
12/02	54	60629896	262126US/KQU	8007	\$20.00	\$38,962.71
12/02	89	11045115	262459US/KQU	8007	\$20.00	\$38,942.71
12/02	204	11066437	255947US/KQU	8007	\$20.00	\$38,922.71
12/05	1	10294658	230482US0	1202	\$500.00	\$38,422.71
12/05	1	10297577	230862USOPCT	1252	\$420.00	\$38,002.71
12/05	3	11258893	280158US2	1203	\$360.00	\$37,642.71
12/05	9	10759197	247919US2	1806	\$180.00	\$37,462.71
12/05	9	10188091	224499US0XCO	1806	\$180.00	\$37,282.71
12/05	10	10674358	242578US0	1806	\$180.00	\$37,102.71
12/05	11	11002218	262571US0DIV	1806	\$180.00	\$36,922.71
12/05	167	0163570322	271896CN/KR(FF. DEPT.)	8014	\$100.00	\$36,822.71
12/06	5	10724150	245003US0	1806	\$180.00	\$36,642.71

12/06 16	60623238	261013US/KQU	8007	\$20.00	\$36,622.71
12/06 18	60636110	263161US/KQU	8007	\$20.00	\$36,602.71
12/06 48	10847394	252965US2SDIV	1251	\$120.00	\$36,482.71
12/06 233	11036051	264809US/KQU	8007	\$80.00	\$36,402.71
12/07 49	10326554	230310US0X	1251	-\$120.00	\$36,522.71
12/07 51	10496312	252755US2PCT	1202	-\$300.00	\$36,822.71
12/07 65	09893784	210371US2	1201	-\$200.00	\$37,022.71
12/07 66	10415887	236540US3PCT	1251	-\$120.00	\$37,142.71
12/07 67	09964585	214607US2BTM	1201	-\$600.00	\$37,742.71
12/07 133	60638370	263941US/KQU	8007	\$40.00	\$37,702.71
12/08 1	09809302	204489US-2	1201	\$200.00	\$37,502.71
12/08 1	10662522	241482US6 YA (TSP-002)	1806	\$180.00	\$37,322.71
12/08 1	10529492	268827US2PCT	1615	-\$50.00	\$37,372.71
12/08 2	10487935	249694US3XPCT	1806	\$180.00	\$37,192.71
12/08 151	10482404	246077US6PCT	1202	\$50.00	\$37,142.71
12/09 1	10663759	242554US3	1202	\$400.00	\$36,742.71
12/12 6	10514845	262010US0PCT	1806	\$180.00	\$36,562.71
12/12 11	10666253	<del>1242936US2</del> 242936 1806	1806	\$180.00	\$36,382.71
12/12 19	10319497	231524US-2SR	1811	\$100.00	\$36,282.71
12/12 76	1403557	261165US/KQU	8007	\$80.00	\$36,202.71
12/12 91	60654963	266601US/KQU	8007	\$20.00	\$36,182.71
12/12 93	60630204	262410US/KQU	8007	\$80.00	\$36,102.71
12/12 128	11002218	262571US0DIV	1806	-\$180.00	\$36,282.71
12/13 1	09539328	5241-P3	1806	\$180.00	\$36,102.71
12/13 7	11140968	272962US-2 DIV	1806	-\$180.00	\$36,282.71
12/13 17	10958331	260023US2SX	1464	\$130.00	\$36,152.71
12/13 23	11171300	274474US2S DIV	1251	-\$120.00	\$36,272.71
12/13 24	10398652	235558US	1201	-\$400.00	\$36,672.71
12/13 70	60636531	263638US/KQU	8007	\$60.00	\$36,612.71
12/13 71	60710161	277376US/KQU	8007	\$60.00	\$36,552.71
12/14 1	10900095	256535US2	1201	\$400.00	\$36,152.71
12/14 2	10182776	226049US0PCT	1811	\$100.00	\$36,052.71
12/14 4	10385489	235230US	1806	\$180.00	\$35,872.71
12/14 14	10656179	242567US0CONT	1463	-\$70.00	\$35,942.71
12/14 47	11104565	246384US20	1463	\$70.00	\$35,872.71
12/14 55	11157061	257034US26	1081	\$500.00	\$35,372.71
12/14 207	09682285		8011	\$55.00	\$35,317.71
12/14 208	09682285		8024	\$40.00	\$35,277.71
12/15 149	11111887	271354US/KQU	8007	\$20.00	\$35,257.71
12/15 194	10024162	<del>450100-03682</del> 275764 1401	1401	\$500.00	\$34,757.71
12/16 4	10528096	267577US2PCT	1615	\$50.00	\$34,707.71
12/16 5	10480256	245645US0PCT	1806	\$180.00	\$34,527.71
12/16 9	11261734	280129US96CONT	1081	\$250.00	\$34,277.71
12/16 15	10426697	236579US-3	1801	\$790.00	\$33,487.71
12/16 16	10426697	236579US-3	1251	\$120.00	\$33,367.71
12/16 21	1406070		8024	\$40.00	\$33,327.71
12/16 150	10917222		8011	\$55.00	\$33,272.71
12/16 156	09682284		8011	\$55.00	\$33,217.71

Docket No. 256535US2  
IN RE APPLICATION OF: Yuuichi ISHII  
SERIAL NO: 10/900,095  
FILED: July 28, 2004  
FOR: PRINTING PROCESSING DEVICE AND METHOD THEREOF

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:  
Transmitted herewith is an amendment in the above-identified application.

- ☐ No additional fee is required  
☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.  
☒ Additional documents filed herewith: Letter Submitting Replacement Drawing Sheets, Replacement Drawing Sheets (13)

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	35	MINUS	37	0	x \$50 =	\$0.00
INDEPENDENT	10	MINUS	7	3	x \$200 =	\$600.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$360 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$600.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		TOTAL				\$600.00

- ☐ A check in the amount of \$0.00 is attached.  
☒ Credit card payment form is attached to cover the fees in the amount of \$600.00  
☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.  
☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)

GJM/SNS/JW/agm  
I:\ATTY\JW\256535US\256535US\_AME COV.DOC

Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Surinder Sachar  
Registration No. 34,423

**United States Patent & Trademark Office**  
**Credit Card Payment Form**

<b>Credit Card Information</b>	
Credit Card Type: <input checked="" type="checkbox"/> American Express	
Credit Card Account #: [REDACTED]	
Credit Card Expiration Date: December 31, 2005	
Name as it Appears on Credit Card: Mahaffey, Amy G.	
Payment Amount: \$(US Dollars): 600.00	
Signature: <i>COPY</i>	Date: December 07, 2005
<b>Credit Card Billing Address</b>	
Street Address 1: Obion, Spivak, McClelland, Maier & Neustadt, P.C.	
Street Address 2: 1940 Duke Street	
City: Alexandria	
State: Virginia	Zip/Postal Code: 22314
Country: U.S.A.	
Daytime Phone #: (703) 413-3000 Accounting Dept.	Fax #: (703) 413-2220
<b>Request and Payment Information</b>	
Description of Request and Payment Information: GFCL3	
Application No.: 10/900,095	
Patent/Registration No.:	
Docket No.: 256535US	

*If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent & Trademark Office will not be liable in the event that the credit card number becomes public knowledge.*

Form #: 50000

United States Patent and Trademark Office  
- Sales Receipt -

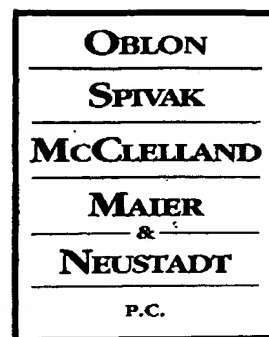
12/14/2005 DSASFAI 00000001 150030 10900095  
Sale Ref: 00000001 DA#: 150030 10900095  
01 FC:1201 400.00 DA

Adjustment Date: 04/17/2006 SDIRETA1  
12/14/2005 DSASFAI 00000001 150030 10900095  
01 FC:1201 400.00 CR

PATENT MAINTENANCE  
DIVISION

2006 APR -5 PM 2:55 April 4, 2006

US PATENT & TRADEMARK  
OFFICE



UNITED STATES PATENT AND TRADEMARK OFFICE  
2051 Jamieson Avenue  
Suite 300  
Alexandria, VA

ATTORNEYS AT LAW

KATHLEEN A. MORSBERGER  
CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

Refund Department

Re: Deposit Account #150030

Dear Mr. Lebron:

Enclosed is a copy of a portion of our deposit account statement of January, 2006. Please review the highlighted charge on Serial Number 11/230,482 in the amount of \$180.00 on fee code #1806.

An Information Disclosure Statement (IDS) was filed with the original application papers on September 21, 2005. No fee is required to file this IDS. The fee charged to our deposit account was in error and should be refunded.

Please investigate this charge and kindly refund \$180.00 to Deposit Account #150030. Copies of the appropriate paperwork are attached. If you have questions, please do not hesitate to contact me. My phone number is 703-412-6296. Thank you for your assistance.

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Debra J. Noel  
Accounting Department

Enclosures



**United States  
Patent and  
Trademark Office**

Return To:  
USPTO  
Home  
Page  
Finance  
Online  
Shopping  
Page

**Deposit Account Statement**

Requested Statement Month: January, 2006  
 Deposit Account Number: 150030  
 Name: NORMAN F. OBLON  
 Attention:  
 Address: 1940 DUKE STREET  
 City: ALEXANDRIA  
 State: VA  
 Zip: 22314  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/03	1	10513338	261635US23PCT	1631	\$300.00	\$31,112.7
01/03	1	10297577	230862USOPCT	1252	\$420.00	\$30,692.7
01/03	2	10513338	261635US23PCT	1633	\$200.00	\$30,492.7
01/03	3	10513338	261635US23PCT	1642	\$400.00	\$30,092.7
01/03	20	11258170	279907US2SRD DIV	1201	-\$200.00	\$30,292.7
01/03	22	10673262	243436US2SX	1806	-\$180.00	\$30,472.7
01/03	24	10831618	252365US0X CONT	1806	-\$180.00	\$30,652.7
01/03	25	10444013	236939US0	1806	-\$180.00	\$30,832.7
01/03	29	10006666	216259US0	1252	-\$450.00	\$31,282.7
01/03	30	11144020	239439US2RD RE	1202	-\$50.00	\$31,332.7
01/03	31	11144020	239439US2RD RE	1202	-\$50.00	\$31,382.7
01/03	32	10446780	238387US2	1806	-\$180.00	\$31,562.7
01/03	33	10450154	237784US6YAPCT	1201	-\$200.00	\$31,762.7
01/03	34	10450154	237784US6YAPCT	1202	-\$250.00	\$32,012.7
01/03	250	11319679	284228US2	1081	\$460.00	\$31,552.7
01/04	2	11081566	267470US0DIV	2201	\$100.00	\$31,452.7
01/04	2	10670320	242938US	1806	\$180.00	\$31,272.7
01/04	4	11230482	278733US0SRD	1806	\$180.00	\$31,092.7
01/04	6	11224952	278488US0 X	1081	\$250.00	\$30,842.7
01/05	1	10296198	230878US3PCT	1202	\$100.00	\$30,742.7
01/05	2	09706781	199326US2	1811	-\$100.00	\$30,842.7
01/05	2	10532110	271083US96PCT	1617	\$130.00	\$30,712.7
01/05	2	10296198	230878US3PCT	1203	\$360.00	\$30,352.7
01/05	2	10344420	232879US40X PCT	1201	\$200.00	\$30,152.7
01/05	4	09539328	5241-P3	1806	-\$180.00	\$30,332.7
01/05	5	11288111	281922US2	1202	-\$50.00	\$30,382.7
01/05	7	11012257	263126US2SRD CONT	1464	\$130.00	\$30,252.7

ASK  
PTO

Docket No. 278733US0SRD

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Norio TAKAMI, et al.

SERIAL NO: New Application

GAU:

FILED: Herewith

EXAMINER:

FOR: NONAQUEOUS ELECTROLYTE BATTERY, BATTERY PACK AND VEHICLE

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

**REFERENCES**

- ☒ The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

**RELATED CASES**

- ☐ Attached is a list of applicant's pending application(s), published application(s) or issued patent(s) which may be related to the present application. In accordance with the waiver of 37 CFR 1.98 dated September 21, 2004, copies of the cited pending applications are not provided. Cited published and/or issued patents, if any, are listed on the attached PTO form 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

**CERTIFICATION**

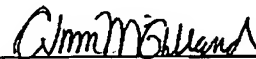
- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

**DEPOSIT ACCOUNT**

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



C. Irvin McClelland  
Registration Number 21,124

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)

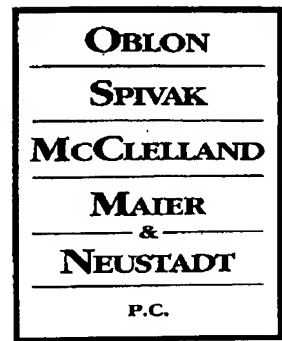
11/230,482



United States Patent and Trademark Office  
- Sales Receipt -

01/04/2006 BHARRIS1 00000004 150030 11230482  
Sale Ref: 00000004 DA#: 150030 11230482  
01 FC:1806 180.00 DA

Adjustment Date: 04/17/2006 SDIRETA1  
01/04/2006 BHARRIS1 00000004 150030 11230482  
01 FC:1806 180.00 CR



April 4, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE  
2051 Jamieson Avenue  
Suite 300  
Alexandria, VA

Attn: Frank Lebron  
Refund Department

ATTORNEYS AT LAW  
KATHLEEN A. MORSBERGER  
CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

Re: Deposit Account #150030

Dear Mr. Lebron:

Enclosed is a copy of a portion of our Deposit Account Statement of February, 2006. Please review the highlighted charge on **Serial Number 10/528,430 in the amount of \$130.00 on fee code #1618.**

**Since an English translation is not necessary in this case, please credit our deposit account #150030 in the amount of \$130.00.**

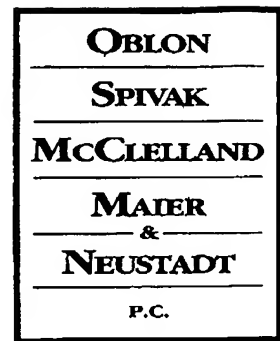
**Please review this application and kindly refund \$130.00 to deposit account #150030.** Copies of the appropriate paperwork are attached. If you have any questions, please contact Debbie Noel at (703) 412-6296. Thank you for your assistance in this matter.

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Debra J. Noel  
Accounting Department

Enclosure



April 4, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE  
2051 Jamieson Avenue  
Suite 300  
Alexandria, VA

Attn: Frank Lebron  
Refund Department

ATTORNEYS AT LAW  
KATHLEEN A. MORSBERGER  
CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

Re: Deposit Account #150030

Dear Mr. Lebron:

Enclosed is a copy of a portion of our Deposit Account Statement of February, 2006. Please review the highlighted charge on **Serial Number 10/528,430 in the amount of \$130.00 on fee code #1618.**

**Since an English translation is not necessary in this case, please credit our deposit account #150030 in the amount of \$130.00.**

**Please review this application and kindly refund \$130.00 to deposit account #150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Debbie Noel at (703) 412-6296. Thank you for your assistance in this matter.**

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Debra J. Noel  
Accounting Department

Enclosure



United States  
Patent and  
Trademark Office

Return To:

USPTO  
Home  
Page

Finance  
Online  
Shopping  
Page

**Deposit Account Statement**

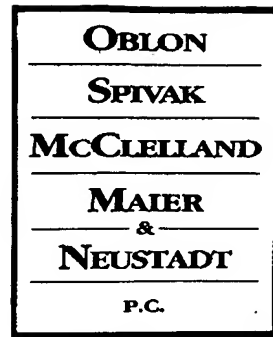
Requested Statement Month: February 2006  
Deposit Account Number: 150030  
Name: NORMAN F. OBLON  
Attention:  
Address: 1940 DUKE STREET  
City: ALEXANDRIA  
State: VA  
Zip: 22314  
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	1	10529478	26725US0PCT 267258	2202	\$175.00	\$44,437.71
02/01	3	10528430	267546US3PCT	1617	-\$130.00	\$44,567.71
02/01	4	10528430	267546US3PCT	1618	\$130.00	\$44,437.71
02/01	7	10538062	273506US2PCT	1615	\$150.00	\$44,287.71
02/01	7	10498982	254963US0PCT	1613	-\$920.00	\$45,207.71
02/01	10	10498982	254963US0PCT	1613	\$920.00	\$44,287.71
02/01	31	6379708		8008	\$200.00	\$44,087.71
02/01	32	6379708		8024	\$40.00	\$44,047.71
02/01	33	09709045		8011	\$55.00	\$43,992.71
02/01	34	09709045		8024	\$40.00	\$43,952.71
02/01	35	09699003		8011	\$55.00	\$43,897.71
02/01	36	09699003		8024	\$40.00	\$43,857.71
02/01	37	09316226		8008	\$200.00	\$43,657.71
02/01	38	09316226		8024	\$40.00	\$43,617.71
02/01	39	09083307		8008	\$200.00	\$43,417.71
02/01	40	09083307		8024	\$40.00	\$43,377.71
02/01	258	11342879	284907US0CONT	1011	\$300.00	\$43,077.71
02/01	259	11342879	284907US0CONT	1111	\$500.00	\$42,577.71
02/01	260	11342879	284907US0CONT	1311	\$200.00	\$42,377.71
02/02	1	09869135	210229US	1253	\$1,020.00	\$41,357.71
02/02	1	10168392	224541USOPCT	1202	\$50.00	\$41,307.71
02/02	10	10653747	241268US2RE	1806	-\$180.00	\$41,487.71
02/02	34	11230627	278549US0SRD CONT	1081	\$250.00	\$41,237.71
02/02	105	10942878	259089US2	1201	\$400.00	\$40,837.71
02/02	233	6960620	229282US/KQU	8013	\$25.00	\$40,812.71
02/02	234	60667054	269080US/KQU	8007	\$20.00	\$40,792.71
02/03	2	10092560	217395CN,IL,KR,MX,NO,ZA	1814	\$130.00	\$40,662.71

PATENT MAINTENANCE  
DIVISION

2006 APR -5 PM 2:55

US PATENT & TRADEMARK OFFICE  
April 4, 2006



ATTORNEYS AT LAW

KATHLEEN A. MORSBERGER  
CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

UNITED STATES PATENT AND TRADEMARK OFFICE  
2051 Jamieson Avenue, Ste. 300  
Alexandria, VA

Attn: Refund Department

Re: Deposit Account #150030

Dear Mr. Lebron:

Enclosed is a copy of a portion of our deposit account statement of February, 2006. See the highlighted charge on serial number 09/869,135 in the amount of \$1,020.00 on fee code #1253.

On February 1, 2006, a notice of appeal and three-month extension of time were filed in this application with a credit card payment form for American Express in the amount of \$1,520.00. The fee for the three-month extension of time in the amount of \$1,020.00 was part of that payment. Therefore, this charge should not appear on our deposit account.

Please review this application and kindly refund \$1,020.00 to deposit account #150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Debbie Noel at (703) 412-6296. Thank you for your assistance in this matter.

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Debra J. Noel  
Accounting Department.

Enclosures

United States Patent and Trademark Office  
- Sales Receipt -

02/02/2006 RHARMON 00000001 150030 09869135

01 FC:1253 1020.00 DA

Adjustment date: 04/17/2006 SDIRETA1  
02/02/2006 RHARMON 00000001 150030 09869135  
01 FC:1253 1020.00 CR



**United States  
Patent and  
Trademark Office**

Return to:  
USPTO  
Home  
Page  
Finance  
Online  
Shopping  
Page

**Deposit Account Statement**

**Requested Statement Month:** February 2006  
**Deposit Account Number:** 150030  
**Name:** NORMAN F. OBLON  
**Attention:**  
**Address:** 1940 DUKE STREET  
**City:** ALEXANDRIA  
**State:** VA  
**Zip:** 22314  
**Country:** UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	1	10529478	26725US0PCT 267258	2202	\$175.00	\$44,437.71
02/01	3	10528430	267546US3PCT	1617	-\$130.00	\$44,567.71
02/01	4	10528430	267546US3PCT	1618	\$130.00	\$44,437.71
02/01	7	10538062	273506US2PCT	1615	\$150.00	\$44,287.71
02/01	7	10498982	254963US0PCT	1613	-\$920.00	\$45,207.71
02/01	10	10498982	254963US0PCT	1613	\$920.00	\$44,287.71
02/01	31	6379708		8008	\$200.00	\$44,087.71
02/01	32	6379708		8024	\$40.00	\$44,047.71
02/01	33	09709045		8011	\$55.00	\$43,992.71
02/01	34	09709045		8024	\$40.00	\$43,952.71
02/01	35	09699003		8011	\$55.00	\$43,897.71
02/01	36	09699003		8024	\$40.00	\$43,857.71
02/01	37	09316226		8008	\$200.00	\$43,657.71
02/01	38	09316226		8024	\$40.00	\$43,617.71
02/01	39	09083307		8008	\$200.00	\$43,417.71
02/01	40	09083307		8024	\$40.00	\$43,377.71
02/01	258	11342879	284907US0CONT	1011	\$300.00	\$43,077.71
02/01	259	11342879	284907US0CONT	1111	\$500.00	\$42,577.71
02/01	260	11342879	284907US0CONT	1311	\$200.00	\$42,377.71
02/02	1	09869135	210229US	1253	\$1,020.00	\$41,357.71
02/02	1	10168392	224541USOPCT	1202	\$50.00	\$41,307.71
02/02	10	10653747	241268US2RE	1806	-\$180.00	\$41,487.71
02/02	34	11230627	278549US0SRD CONT	1081	\$250.00	\$41,237.71
02/02	105	10942878	259089US2	1201	\$400.00	\$40,837.71
02/02	233	6960620	229282US/KQU	8013	\$25.00	\$40,812.71
02/02	234	60667054	269080US/KQU	8007	\$20.00	\$40,792.71
02/03	2	10092560	217395CN,IL,KR,MX,NO,ZA	1814	\$130.00	\$40,662.71

OSMMA File No. 210229US0PCT

Serial No. 09/869,135

In the matter of the Application of: Yoshito ABE, et al.

For: IMIDAZOLE COMPOUNDS AND MEDICINAL USE THEREOF

Dept.: CHEM

By: FO/SUB

**Due Date: February 1, 2006**

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☒ Credit Card Form for \$1,520.00
- ☒ Dep. Acct. Order Form
- ☒ Notice of Appeal
- ☒ Request for Extension of Time (3 Months)





PATENT MAINTENANCE  
DIVISIONU.S. Patent Application No. 10/167,187  
Attorney Docket No. IPCP:108-US

2006 APR -5 PM 2:56

US PATENT & TRADEMARK  
OFFICE**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): BAXTER, Samuel. C. et al

Confirmation No.: 6340

U.S. Patent Application No.: 10/167,187

Customer No.: 24041

Group Art Unit: 2161

For: METHOD AND APPRATUS FOR  
SAFEGUARDING FILES

Mail Stop 16

Director of the U.S. Patent and  
Trademark Office

PO Box 1450

Alexandria, VA 22313-1450

**Certificate of Mailing by Express Mail**

I certify that this Request for Refund facsimile transmitted on April 5, 2006 to facsimile no. 571-273-6500 and is addressed to: Mail Stop 16, Attn: Director of the U.S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.

  
C. Paul Maliszewski  
Reg. No. 51,990**REQUEST FOR REFUND**

Honorable Sir:

This is a Request For Refund of the \$165.00 additional Extension of Time Fee (the difference between a one month extension and a second month extension -small entity) which was listed on our January 2006 Statement for Deposit Account No. 500822, in connection with the above-referenced U.S. Patent Application. More specifically, for the entry dated January 31, 2006, Sequence No. 1 for Posting Ref: 10167187 (Our Attorney Docket No: IPCP:108\_US).

A Request for Reconsideration After Final was timely filed within Two Months (mailed on October 13, 2005) from the date of the final Office Action which action was dated August 19, 2005. Therefore, the time period as set forth in the subsequent Advisory Action Before The Filing of an Appeal Brief with a mailing date of "12/20/05," according to MPEP 706.07(f)(C)(3) "for reply expires 3months from the date of the final rejection or as of the mailing date of the advisory action, whichever is later", since box 1.b) was checked by the Examiner in the Advisory Action on form PTOL-303. Since the later date would be as of the mailing date of the Advisory Action; applicant has requested and paid for a ONE month extension of time from 12/20/05 (the date of the Advisory Action), until January 20, 2006. The One-Month Extension of Time fee has

U.S. Patent Application No. 10/167,187

Page 2

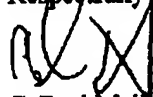
Request for Refund

April 5, 2006

already been paid along with the Combined Notice of Appeal from The Primary Examiner to the Board of Patent Appeals and Interferences & Petition for Extension of Time Under 37 C.F.R. 1.136(a) (Small Entity), which was filed on January 19, 2006; (within one month from the Advisory Action date of December 20, 2005. Therefore, a Two-Month Extension is NOT due and the Deposit Account of Attorney for Applicant should not have been charged.

Please review your records and proceed to credit Deposit Account No. 500822, in the amount of \$165.00 to correct this error.

Respectfully submitted,



C. Paul Maliszewski  
Registration No. 51,990  
CUSTOMER NO. 24041  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, NY 14221-5406  
Telephone No.: 716-626-1564

Dated: April 5, 2006  
CPM/ELS

**SIMPSON & SIMPSON, PLLC**

,555 MAIN STREET  
WILLIAMSVILLE, NY 14221 USA  
TELEPHONE (716) 626-1564  
FACSIMILE (716) 626-0388  
WWW@IDEALAWYERS.COM

**FACSIMILE COVER SHEET**

To: Office of Finance, Mail Stop 16  
Director of the US Patent and Trademark Office

Fax #: 571-273-6500

From: C. Paul Maliszewski

Date: April 05, 2006

Attorney

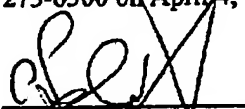
Docket No.: IPCP:108-US

Your Ref: U.S. Patent Application No. 10/167,187

Pages: 3 (including cover sheet)

**Message:**

I certify that this Request for Refund is being facsimile transmitted to the United States Patent and Trademark Office in accordance with 37 CFR §1.8 to Facsimile Number 571-273-6500 on April 4, 2006.

  
\_\_\_\_\_  
C. Paul Maliszewski  
Reg. No. 51,990

cc: Elaine L. Schwartz

**\*IMPORTANT NOTICE\***

The accompanying message is intended only for the use of the individual or entity to which it is addressed and may represent an attorney-client communication or otherwise contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any duplication or distribution of this communication is unauthorized and prohibited. If you have received this communication in error, please notify us immediately by telephone and return the entire communication to us at the above address by mail at our expense.

If any part of this fax transmission is missing or not clearly received, please call and ask for ELAINE at (716) 626-1564.

**SIMPSON & SIMPSON, PLLC**

,555 MAIN STREET  
WILLIAMSVILLE, NY 14221 USA  
TELEPHONE (716) 626-1564  
FACSIMILE (716) 626-0366  
WWW@DEALAWYERS.COM

**FACSIMILE COVER SHEET**

To: Office of Finance, Mail Stop 16  
Director of the US Patent and Trademark Office

Fax #: 571-273-6500

From: C. Paul Maliszewski

Date: April 05, 2006

Attorney

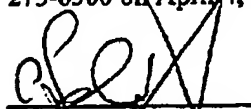
Docket No.: IPCP:108-US

Your Ref: U.S. Patent Application No. 10/167,187

Pages: 3 (including cover sheet)

**Message:**

I certify that this Request for Refund is being facsimile transmitted to the United States Patent and Trademark Office in accordance with 37 CFR §1.8 to Facsimile Number 571-273-6500 on April 4, 2006.

  
C. Paul Maliszewski  
Reg. No. 51,990

cc: Elaine L. Schwartz

**\*IMPORTANT NOTICE\***

The accompanying message is intended only for the use of the individual or entity to which it is addressed and may represent an attorney-client communication or otherwise contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any duplication or distribution of this communication is unauthorized and prohibited. If you have received this communication in error, please notify us immediately by telephone and return the entire communication to us at the above address by mail at our expense.

If any part of this fax transmission is missing or not clearly received, please call and ask for ELAINE at (716) 626-1564.

United States Patent and Trademark Office  
- Sales Receipt -

01/31/2006 DFORTE 00000001 500822 10167187

01 FC:2252 165.00 DA

Adjustment date: 04/17/2006 SDIRETA1  
01/31/2006 DFORTE 00000001 500822 10167187  
01 FC:2252 165.00 CR

RECEIVED  
CENTRAL FAX CENTER

MAR 28 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 11/374,815

Docket No. 0185-RF-US

Inventors: Hunt et al.

Filed: 14 March 2006

FOR: TUNABLE DIELECTRIC RADIO FREQUENCY  
MICROELECTROMECHANICAL SYSTEM CAPACITIVE SWITCH

## Refund Request for Overcharge

Filing fees of \$1000 (large entity) were charged form the above-identified application. Filing fees of \$500 (small entity should have been charged.

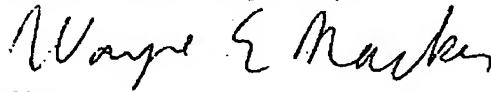
- Request of a refund of \$500 to deposit account 501231 is hereby requested.
- Furthermore, the overcharge has resulted in the balance of this deposit account falling below \$1000. Presumably, a low balance charge of \$25 will be made on 31 March 2006. If such a charge is made, a refund of the \$25 is requested.

## Enclosed are:

- A copy of the Utility Patent Application Transmittal claiming Small Entity status in Box 2.
- A copy of the fee transmittal indicating that a charge of \$500 is authorized.
- A USPTO Deposit Account (501231) print-out of 28 March 2006.

Two duplicates of this sheet are enclosed.

Wayne E. Nacker Reg no. 29,571



nGimat  
5315 Peachtree Industrial Boulevard  
Atlanta, GA 30341-2107  
678 860 1254  
wnacker@ngimat.com  
Sent by fax 28 March 2006, 571 273 8300

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 11/374,815

Docket No. 0185-RF-US

Inventors: Hunt et al.

Filed: 14 March 2006

FOR: TUNABLE DIELECTRIC RADIO FREQUENCY  
MICROELECTROMECHANICAL SYSTEM CAPACITIVE SWITCH

## Refund Request for Overcharge

Filing fees of \$1000 (large entity) were charged form the above-identified application. Filing fees of \$500 (small entity should have been charged).

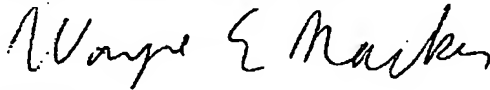
- Request of a refund of \$500 to deposit account 501231 is hereby requested.
- Furthermore, the overcharge has resulted in the balance of this deposit account falling below \$1000. Presumably, a low balance charge of \$25 will be made on 31 March 2006. If such a charge is made, a refund of the \$25 is requested.

## Enclosed are:

- A copy of the Utility Patent Application Transmittal claiming Small Entity status in Box 2.
- A copy of the fee transmittal indicating that a charge of \$500 is authorized.
- A USPTO Deposit Account (501231) print-out of 28 March 2006.

Two duplicates of this sheet are enclosed.

Wayne E. Nacker Reg no. 29,571



nGimat  
5315 Peachtree Industrial Boulevard  
Atlanta, GA 30341-2107  
678 860 1254  
wnacker@ngimat.com  
Sent by fax 28 March 2006, 571 273 8300

PTO/SB/05 (04-05)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	0185-RF-US
	First Inventor	Andrew Tye Hunt
	Title	TUNABLE DIELECTRIC RADIO FREQUENCY
	Express Mail Label No.	ED 896084182 US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450																												
<b>1.</b> <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)	<b>ACCOMPANYING APPLICATION PARTS</b>  9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) Name of Assignee: _____  10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input checked="" type="checkbox"/> Power of Attorney  11. <input type="checkbox"/> English Translation Document (if applicable)  12. <input checked="" type="checkbox"/> Information Disclosure Statement (PTO/SB/08 or PTO-1449) (3) Copies of citations attached (2, 3, 4, 5, 6, 7, 8)  13. <input type="checkbox"/> Preliminary Amendment  14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)  15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)  16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.  17. <input type="checkbox"/> Other: _____																												
<b>2.</b> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.																													
<b>3.</b> <input checked="" type="checkbox"/> Specification [Total Pages 12] Both the claims and abstract must start on a new page. (For information on the preferred arrangement, see MPEP 608.01(a))																													
<b>4.</b> <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 6]																													
<b>5.</b> Oath or Declaration [Total Sheets _____] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> A copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.63(b).																													
<b>6.</b> <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76																													
<b>7.</b> <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) <input type="checkbox"/> Landscape Table on CD																													
<b>8.</b> Nucleotide and/or Amino Acid Sequence Submission (if applicable, items a. - c. are required) a. <input type="checkbox"/> Computer Readable Form (CRF) b. <input type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies																													
<b>18.</b> If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76: <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input checked="" type="checkbox"/> Continuation-in-part (CIP) of prior application No.: 60/663,606..... Prior application information: Examiner _____ Art Unit _____																													
<b>19. CORRESPONDENCE ADDRESS</b> <input checked="" type="checkbox"/> The address associated with Customer Number: 24,948 OR <input checked="" type="checkbox"/> Correspondence address below <table border="1"><tr><td>Name</td><td colspan="3">Wayne E. Nacker c.o. nGimat Co.</td></tr><tr><td>Address</td><td colspan="3">5315 Peachtree Industrial Boulevard</td></tr><tr><td>City</td><td>Atlanta</td><td>State</td><td>GA</td></tr><tr><td>Country</td><td>USA</td><td>Zip Code</td><td>30341</td></tr><tr><td>Telephone</td><td>878 287 3909</td><td>Email</td><td>wnacker@ngimat.com</td></tr></table> <table border="1"><tr><td>Signature</td><td>Wayne E. Nacker</td><td>Date</td><td>14 March 2006</td></tr><tr><td>Name (Print/Type)</td><td>Wayne E. Nacker</td><td>Registration No. (Attorney/Agent)</td><td>29,571</td></tr></table>		Name	Wayne E. Nacker c.o. nGimat Co.			Address	5315 Peachtree Industrial Boulevard			City	Atlanta	State	GA	Country	USA	Zip Code	30341	Telephone	878 287 3909	Email	wnacker@ngimat.com	Signature	Wayne E. Nacker	Date	14 March 2006	Name (Print/Type)	Wayne E. Nacker	Registration No. (Attorney/Agent)	29,571
Name	Wayne E. Nacker c.o. nGimat Co.																												
Address	5315 Peachtree Industrial Boulevard																												
City	Atlanta	State	GA																										
Country	USA	Zip Code	30341																										
Telephone	878 287 3909	Email	wnacker@ngimat.com																										
Signature	Wayne E. Nacker	Date	14 March 2006																										
Name (Print/Type)	Wayne E. Nacker	Registration No. (Attorney/Agent)	29,571																										

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



MAR 28 2006

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete If Known

Application Number	Filed Herewith
Filing Date	Filed Herewith
First Named Inventor	Andrew Tye Hunt
Examiner Name	
Art Unit	
Attorney Docket No.	0185-

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 501231 Deposit Account Name: nGimat Co.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.

## FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	500
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=		50	25
HP = highest number of total claims paid for, if greater than 20.				200	100
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	360	180
- 3 or HP =	x	=			
HP = highest number of independent claims paid for, if greater than 3.					

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

## SUBMITTED BY

Signature	<i>Wayne E. Nacker</i>	Registration No. (Attorney/Agent) 29,571	Telephone 678 287 3909
Name (Print/Type)	Wayne E. Nacker,		Date 14 March 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



United States  
Patent and  
Trademark Office

RECEIVED  
CENTRAL FAX CENTER

MAR 28 2006



Deposit Account Statement

Requested Statement Month: March 2006  
Deposit Account Number: 501231  
Name: NGIMAT CO.  
Attention: ALFRED H. MURATORI  
Address: 5315 PEACHTREE INDUSTRIAL BOULEVARD  
City: CHAMBLEE  
State: GA  
Zip: 30341-2107  
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/01	39	E-REPLENISHMENT		9203	-\$300.00	\$1,265.00
03/08	203	6013312		1811	\$100.00	\$1,165.00
03/14	28	E-REPLENISHMENT		9203	-\$500.00	\$1,665.00
03/15	54	60863606		8007	\$20.00	\$1,645.00
03/16	106	11374815	0185-RF-US	1011	\$300.00	\$1,345.00
03/16	107	11374815	0185-RF-US	1111	\$500.00	\$845.00
03/16	108	11374815	0185-RF-US	1311	\$200.00	\$645.00
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$965.00	\$1,120.00	\$800.00	\$645.00	

Need Help? | USPTO Home Page | Finance Online Shopping Page

Mar 28 06 01:10p

nGimat

6782873999

P. 1

03/28/2006 TUE 12:58 FAX

nGimat Confidential Fax

001


\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

RECEIVED  
CENTRAL FAX CENTER

MAR 28 2006

TRANSMISSION OK

JOB NO. 0106  
DESTINATION ADDRESS 915712738300  
PSWD/SUBADDRESS  
DESTINATION ID  
ST. TIME 03/28 12:54  
USAGE T 02'01  
PGS. 6  
RESULT OK

 Duplicate Faxed 3/28/06.  
NO USPTO Auto reply received  
Wayne E. Nack

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 11/374,815

Docket No. 0185-RF-US

Inventors: Hunt et al.

Filed: 14 March 2006

FOR: TUNABLE DIELECTRIC RADIO FREQUENCY  
MICROELECTROMECHANICAL SYSTEM CAPACITIVE SWITCH

Refund Request for Overcharge

Filing fees of \$1000 (large entity) were charged from the above-identified application. Filing fees of \$500 (small entity should have been charged).

- Request of a refund of \$500 to deposit account 501231 is hereby requested.
- Furthermore, the overcharge has resulted in the balance of this deposit account falling below \$1000. Presumably, a low balance charge of \$25 will be made on 31 March 2006. If such a charge is made, a refund of the \$25 is requested.

Enclosed are:

- A copy of the Utility Patent Application Transmittal claiming Small Entity status in Box 2.
- A copy of the fee transmittal indicating that a charge of \$500 is authorized.
- A USPTO Deposit Account (501231) print-out of 28 March 2006.

Two duplicates of this sheet are enclosed.

Wayne E. Nacke Reg no. 29,571

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

03/16/2006 SSITHIB1 00000050 501231 11374815

01 FC:1011	300.00 DA
02 FC:1111	500.00 DA
03 FC:1311	200.00 DA

Adjustment date: 04/17/2006 SDIRETA1  
03/16/2006 SSITHIB1 00000050 501231 11374815

01 FC:1011	300.00 CR
02 FC:1111	500.00 CR
03 FC:1311	200.00 CR

04/17/2006 SDIRETA1 00000010 501231 11374815

01 FC:2011	150.00 DA
02 FC:2111	250.00 DA
03 FC:2311	100.00 DA

PTO-1556

(5/87)

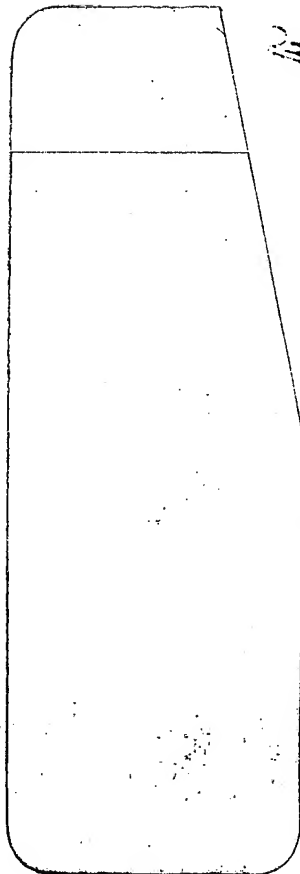
ALEXANDRIA, VA 22313-1450

IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

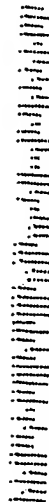
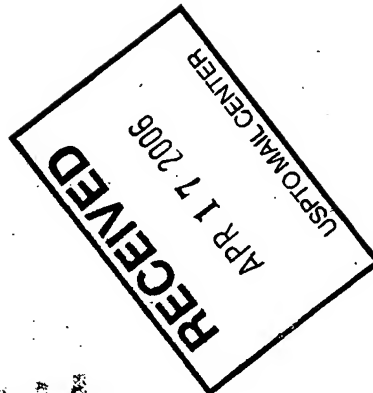
AN EQUAL OPPORTUNITY EMPLOYER

MAILED FROM ZIP CODE 22314



APR 17 2006  
1:10 PM  
76161

Returned for Better Address



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**